



One Hundred Fifteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

September 6, 2018

The Honorable Kirstjen Nielsen  
Secretary  
Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

The Honorable Michael R. Pompeo  
Secretary  
Department of State  
2201 C St. NW  
Washington, D.C. 20520

Dear Secretary Nielsen and Secretary Pompeo:

The Washington Post recently reported on a surge in passport denials by the U.S. Department of State (Department) to United States citizens born along the U.S.-Mexico border.<sup>1</sup> We are concerned about the broad sweep of this policy potentially affecting thousands of U.S. citizens. We write to request information regarding this policy and the scope of its impact.

On August 29<sup>th</sup>, the Washington Post reported on a spike in cases of individuals with U.S. birth certificates born along the southern border being denied a passport.<sup>2</sup> Although the Department has stated that it “has not changed policy or practice regarding the adjudication of passport applications,”<sup>3</sup> the article conveys not only an increase in denials but a more aggressive treatment of individuals born by midwives or physicians who are suspected of possible fraud. This treatment includes denying the issuance of a passport, denying the renewal of a passport, and the revocation of a passport.

It is our understanding that an investigation in the mid-1990s led to the discovery of a small number of midwives who issued fraudulent U.S. birth documents to babies born in Mexico; however, those same midwives also delivered thousands of babies in the United States.<sup>4</sup> Previous administrations have also dealt with this issue, and after a 2009 lawsuit by the American Civil Liberties Union, the number of passport denials due to this issue declined. In the lawsuit settlement, the Department

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<sup>1</sup> Kevin Sieff, “U.S. is denying passports to American along the border, throwing their citizenship into question,” *The Washington Post*, (August 29, 2018), available at: [https://www.washingtonpost.com/world/the\\_americas/us-is-denying-passports-to-americans-along-the-border-throwing-their-citizenship-into-question](https://www.washingtonpost.com/world/the_americas/us-is-denying-passports-to-americans-along-the-border-throwing-their-citizenship-into-question)

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

agreed to review their list of suspect midwives and birth attendants to ensure they were appropriately on the list. In addition, the Department agreed not to deny a U.S. citizen's passport application simply because their birth attendant was on that list.<sup>5</sup> Consequently, it is not clear whether the Department is currently denying passports to any individual born by the suspect midwives and physicians or whether the Department has other information to identify possible fraudulent birth documents.

The recent surge in passport denials and revocations under the Trump administration is having a serious negative impact on U.S. citizens who have lived, worked, and voted in the U.S. their entire lives. Some have been apprehended and put into immigration detention facilities while awaiting removal proceedings, while others have had their passport revoked trying to re-enter the U.S. from Mexico.<sup>6</sup> Some have even served in the U.S. military. We have also been approached by constituents facing similar hardship, and in one case the possible loss of a government pension after years of service with U.S. Customs and Border Protection (CBP).

It appears that the Trump administration's attempt to decrease illegal and legal immigration is being expanded to include how U.S. passport applications are adjudicated.

Pursuant to Rule X and Rule XI of the House of Representatives, please provide the following information in writing by September 20, 2018.

1. What new guidance, if any, has been issued by the Department regarding the passport adjudication of individuals suspected of holding fraudulent birth certificates since January 1, 2017? Please provide any documents or guidance directing the passport adjudication of individuals associated with potentially fraudulent birth certificates.
2. How many U.S. citizens have had their passport revoked due to concerns about a fraudulent birth certificate? How many individuals have had their passport or passport renewal application denied due to concerns about a fraudulent birth certificate? Please provide numbers for each of the last five years.
3. What is the process and the criteria used to revoke a passport for individuals who were found in possession of a fraudulent birth certificate? How was the fraudulence determined?
4. How many U.S. passports of individuals born along the southern border suspected of having fraudulent birth certificates have been seized by the U.S. government since January 1, 2017? How many are currently or have been in the possession of the Department and what does the Department intend to do with them?
5. What recourse are U.S. citizens provided in the event their passport was wrongly revoked? How many passports have been reissued in each of the last five years?

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<sup>5</sup> *Castelano v. Clinton*, Stipulation and Agreement of Settlement and Release, S.D. Tex. Case No. CA M-08057, (June 26, 2009).

<sup>6</sup> Chantal da Silva, "Trump Administration Accuses Hundreds of Hispanics of Faking Citizenship," *Newsweek*, (August 30, 2018), available at: <https://www.newsweek.com/trump-administration-accuses-hundreds-hispanics-faking-citizenship-1096858>

6. How many individuals has the Department of Homeland Security (DHS) put into immigration proceedings after a passport has been revoked due to suspicion of a fraudulent birth certificate since January 1, 2017? How many U.S. citizens are currently detained in immigration detention centers for this reason? How did DHS determine the person did not have legal status within the United States?
7. How many U.S. citizens have been refused entry into the United States by CBP due to a revocation of a passport based on the suspicion they hold fraudulent birth certificates? Please provide numbers for each of the last five years.

Thank you for your attention to this matter. If you have any questions regarding my request, please contact Alison Northrop, Chief Director for Oversight, at 202-226-2616.

Sincerely,



BENNIE G. THOMPSON  
Ranking Member



FILEMON VELA  
Ranking Member  
Subcommittee on Border and Maritime Security